

NOV 03 1993

Ms. Christina Purcell
Case Manager
Bureau of Federal Case Management
New Jersey Department of Environmental Protection
401 East State Street, CN 028
Trenton, NJ 08625-0028

Re: Comments on the Draft Superfund Proposed Plan for the L. E. Carpenter Company (aka Dayco Corporation) Site in Wharton, NJ

Dear Ms. Purcell:

Mr. Karl Delany's October 19, 1993 memorandum has been directed to me for response. That memorandum transmitted a copy of a draft Superfund Proposed Plan for the L. E. Carpenter Company (aka Dayco Corporation) Site in Wharton, NJ. I have reviewed the document and have enclosed my comments as Attachment A.

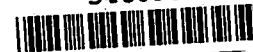
Because this site is addressed by the EPA/State Pilot Agreement signed last December, this letter is transmitted to you for informational purposes only, but not to represent the official position or the concurrence of the U.S. Environmental Protection Agency (EPA). The EPA/State Pilot Agreement includes somewhat more elaborate model language for transmittal of EPA comments to the State. (The model language also indicates that the EPA comments should be sent to the State by the EPA Remedial Project Manager.) I am enclosing a copy of the model language as Attachment B for your information.

As noted in the model language, the attached comments "do not, however, constitute EPA concurrence on any or all points contained in the document." As a result, it is incorrect to refer to the preferred remedy described in the draft Proposed Plan as the remedy preferred by both NJDEPE and EPA (also see the similar comment in Attachment A regarding page 1 of the Proposed Plan).

In the enclosed comments, I have placed an emphasis on matters relating to Federal law, EPA policy and the EPA/State Pilot Agreement. While I am aware of some typographical errors, grammatical problems and technical inaccuracies in the Proposed Plan, I haven't tried to include all of these observations in Attachment A. I don't believe that the Pilot Agreement intended much EPA involvement in such routine matters, which should be addressed through NJDEPE's own internal review process.

JJ 11/3/93

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It is my understanding that Mr. Raymond Basso, Chief, New Jersey Superfund Branch 2, has contacted Mr. Bruce Venner of NJDEPE to set up a meeting to discuss the L. E. Carpenter Company Site. Since this is the first Proposed Plan drafted by NJDEPE for a site covered by the EPA/State Pilot Agreement, I believe that the meeting will lead to a better understanding of the roles of our respective agencies in the remedy selection process.

Feel free to contact me at 212 264-8098 if you wish to discuss this matter.

Sincerely yours,

Jonathan Josephs, Project Manager
New Jersey Superfund Branch II
Emergency and Remedial Response Division

Enclosures

cc: K. Delany, NJDEPE

bcc: N. DiForte, NNJSS2

Attachment A

General

It would be useful to include some figures in the Proposed Plan. For example, a site map and a schematic diagram of the preferred alternative would be very helpful. The narrative discussion could clarify that the schematic diagram(s) are intended to give illustrative examples of the alternative(s), but not to define the alternative(s). (The definition of each alternative should be in the narrative.)

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- 1 The site is listed on the Superfund National Priorities List as the Dayco Corp./L.E. Carpenter Co. Superfund site. Therefore, it would be useful to mention this alternative name for the site in the first paragraph.
- 1 Section 117(a) of CERCLA does not apply directly to NJDEPE. Therefore, in the first column, first paragraph, it would be better to replace the phrase "as part of its public participation responsibilities under" with "consistent with the public participation requirements specified in."
- 1 The acronym "CERCLA" as used in the Proposed Plan usually refers to the Act, as amended, and not to the original 1980 Act. Therefore, "(CERCLA)" should be moved to follow the word "amended." If this change is not made, the phrase "CERCLA, as amended" should be used in the Proposed Plan unless the intent is to refer only to the 1980 Act.
- 1 Under the EPA/State Pilot Agreement, EPA does not select the remedy. In addition, EPA need not concur with the remedy proposed by the State or the remedy selected by the State. Therefore, language on page 1 of the Proposed Plan suggests a greater EPA role than established by the Pilot Agreement. All references to EPA should be deleted from this page except for the first reference to EPA as the support agency.
- 2 In the first column, third paragraph, "Priority" should be made plural. Since the site is listed on the National Priorities List as the Dayco Corp./L.E. Carpenter Co. Superfund site, it would be useful to mention this alternative name for the site in this paragraph.
- 4 In the first column, first paragraph, the last sentence isn't very carefully worded. It could be expanded as follows: "Site risks are often expressed in exponential terms when estimating cancer risks. For example, a 1×10^6 excess cancer risk estimate means that, if a population of one-million

(1,000,000) persons were exposed to site contaminants in a specified manner, it is estimated that one additional person would develop cancer in excess of those that would develop cancer if not exposed to site contaminants. Risks of health effects other than cancer are often expressed in terms of a calculated Hazard Index. A hazard index greater than one (1.0) for a population exposed to site contaminants in a specified manner would indicate a potential for health effects other than cancer." NJDEPE risk assessors might be consulted regarding the rewording.

- 4 The third paragraph in the first column neglects to mention that nickel and hexavalent chromium are classified as human carcinogens.
- 5 For consistency, use the acronym "EPA" instead of "USEPA" throughout the Proposed Plan. (Both acronyms are used on this page.)
- 6 Remedial Action Objectives: The terms "remedial action objectives," "remediation goals," "ARARs" and "criteria" (see page 10, column 1, line 7, which refers to "ground water criteria") often seem to be used interchangeably in the Proposed Plan. While the term "ARARs" is explained, the distinctions between the other terms are unclear. A more consistent terminology could be used.
- 6 Alternative 1: Because some level of contaminants will always remain on-site, the second to the last sentence might better begin: "Because this alternative would result in contaminants remaining on-site at concentrations in excess of health-based levels," This same comment would also apply to the sections on alternatives 2 and 3. However, Alternatives 4, 5 and 6 may achieve health-based levels. Therefore, modified language about remedy review would be appropriate for these alternatives (see the comment on Alternative 4, below).
- 7 Regarding the description of Alternative 3, the following comments are offered:
 - In line 11, replace "exceed" with "do not meet the."
 - Regarding the sentence that begins in line 18, the biodegradation of wastewater pollutants is not especially innovative; indigenous organisms may or may not be utilized; and DEHP is an example of an organic contaminant. Rewording this sentence may be helpful.
 - In line 21, "would" could be replaced by "may." Should this alternative be the selected remedy, it may be best to leave most of the process details to be determined during the remedial design.

7 Regarding the description of Alternative 4, the following comments are offered:

- The description of Alternative 4 is very vague in explaining how Alternatives 4 and 3 differ. Although the description indicates that the ground water treatment would be "enhanced" and that ground water would be recycled with "the purpose of flushing and stimulating in situ biological activities of soil," no real specifics are provided.
- The description of Alternative 4 does not mention a soil cover. Since Alternative 4 is likely to take longer than Alternatives 5 or 6 to attain soil cleanup goals, a soil cover could be included to address direct contact and inhalation risks during the period that bioremediation of unsaturated zone soils takes place.
- Regarding the fourth sentence, the extraction wells create the capture zone. Therefore, this sentence might be reworded: "This portion of the treated ground water will be recirculated within a capture zone in a manner that will ensure that this water is recaptured by the extraction wells."
- The fifth and sixth sentences appear to be very similar. Do they refer to the same thing? Can these two sentences be combined?
- This alternative is expected to attain health-based contaminant levels. Once health-based levels are attained, the CERCLA 5-year review requirement would no longer apply. The language can be modified to indicate this. This comment also applies to Alternatives 5 and 6.

8 The name for Alternative 6 refers to thermal treatment while the narrative refers to thermal treatment by incineration and/or rotary kiln incineration. Incineration is only one type of thermal treatment and rotary kiln incineration is only one type of incineration. If a thermal treatment remedy is selected, it may be best to leave the selection of the type of thermal treatment for the remedial design. Therefore, the narrative could be reworded to describe the alternative as thermal treatment while noting that incineration and rotary kiln incineration are mentioned for illustrative purposes.

9 Compliance with ARARs: Although remediation goals other than ARARs are not covered under the heading of this section, the ability of each Alternative to meet all remediation goals can be discussed in this section. The language about Alternative 3 is not a sentence. It should be reworded and clarified. Natural attenuation seems unlikely to attain soil remediation

goals in any reasonable amount of time. The next sentence about Alternative 4 is silent about whether Alternative 4 can attain soil remediation goals. (However, page 10, column 1, indicates that Alternative 4 will meet "soil criteria.")

- 9 Reduction of Toxicity, Mobility or Volume: This section could be reworded to note that Alternative 3, which does not involve soil treatment, satisfies this criterion less fully than Alternatives 4, 5 and 6, which do involve soil treatment.
- 9 Its not clear that wetlands disturbance from Alternatives 5 and 6 would be "extensive." Page 2-11 of the FS Report indicates only that excavation "could cause siltation and sediment loading on the Rockaway River and negatively impact downstream wetlands areas."
- 9 Implementability: The last sentence in this section applies chiefly to Alternative 6A. It may be premature to speculate about community acceptance to Alternative 6 before public comments have been received.
- 9 EPA Acceptance: EPA has not concurred with the preferred alternative. This section should be reworded to indicate that EPA acceptance will be assessed following the receipt of EPA's final comments.
- 9 In the sixth line from the bottom, delete "and EPA" and change "recommend" to "recommends."
- 9 Preferred Alternative: The discussion of the preferred remedy (Alternative 4) mentions many advantages of this alternative but neglects to mention its chief disadvantage, which is that the in situ biodegradation of the unsaturated zone soils is likely to take longer than Alternatives 5 or 6 to attain soil cleanup goals. The significance of this disadvantage would be less if Alternative 4 included a soil cover to address direct contact and inhalation risks during the period that the bioremediation of unsaturated zone soils takes place. In addition, this disadvantage of Alternative 4 compared to Alternatives 5 and 6 is not very significant in view of the fact that each of these alternatives would involve long-term bioremediation. However, the long-term bioremediation for Alternatives 5 and 6 would focus on ground water, rather than both ground water and soil. The Proposed Plan may be viewed as a more balanced, objective document if it discusses this disadvantage of Alternative 4.
- 10 If the acronym "CERCLA" is redefined as suggested in the third comment on page 1, above, then delete "as amended by SARA," in column 1, line 14.

- 10 Delete "and EPA" and change "believe" to "believes" in the second full paragraph. This paragraph and the next paragraph seem to cover the same ground and can be combined.
- 10 Glossary: Terms that aren't used in the document (e.g., "cooperative agreement") are a distraction and can be removed. Many of the definitions contain inaccuracies and could be better worded. For example, some volatile organic compounds (VOCs) listed in the definition (e.g., light alcohols, acetone) are extremely soluble in water, although the definition states that VOCs have low solubility in water.
- 10 The definition of Administrative Consent Order (ACO) should make it clear that the ACO can also be between the State environmental agency and one or more potentially responsible parties (as is the case for the subject site).

Attachment B

Model Language for Documents Transmitting
EPA Comments to States at Non-Fund-Financed
State-Lead Enforcement Sites.

The following language will be added to any comments EPA gives regarding activities at Non-Fund-financed State-lead Pilot sites.

As the Remedial Project manager for the Site, I have reviewed the [RI/FS, draft ROD/RD workplan, etc.] and have the comments set forth below. These comments do not, however, constitute EPA concurrence on any or all points contained in the document. The Agency has not reviewed the document in the depth necessary to make such a judgment. Because this site has been designated as a "non-Fund-financed State-lead enforcement site," EPA concurrence is not a prerequisite to a State's selecting a remedy (under State law), and EPA's concurrence has neither been requested by the State nor offered by EPA. As the National Contingency Plan regulations note, "[u]nless EPA's Assistant Administrator for Solid Waste and Emergency Response or Regional Administrator concurs in writing with a State-prepared ROD, EPA shall not be deemed to have approved the State's decision" (40 CFR 300.515(e)(20(ii)); in this case, neither the Assistant Administrator for OSWER nor the Regional Administrator has so concurred.